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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,371	12/15/2000	Richard J. Hertz	2000-0626	2412

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EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,371

Applicant(s)

HERTZ ET AL.

Examiner

Wes Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,771,271 to Savitzky.

With regard to claim 1, Savitzky discloses a system for distributing digital images to a user, the system comprising:

an image capture device (Fig.1, 116) for creating digital images (column 1, lines 45-50);

at least one image server (Fig.1, 100) in communication with the image capture device, the image server receiving and storing digital images transmitted from the image capture device (column 4, lines 1-2); and

at least one programmable software agent in communication with the at least one image server (creation of HTML pages, column 2, lines 63-65), the at least one software agent automatically selecting (column 1, lines 51-56) a subset of the digital images provided by the image server for distribution (Fig.1, 110) to the user. Here it is

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understood that there must be a software agent used to display the images on an HTML page.

With regard to claim 2, Savitzky discloses the system according to claim 1, wherein the at least one software agent is operable to monitor the at least one image server for digital images (column 1, lines 50-55). Here the image server recognizes new images and creates or modifies HTML pages. The server does this automatically and must require a "software agent."

With regard to claim 3, Savitzky discloses the system according to claim 1, wherein the at least one image server is operable to push digital images to the at least one software agent (column 2 lines 60-65). Here the server presents the images as HTML pages with the help of the software agent.

With regard to claim 4, Savitzky discloses the system according to claim 1, further including at least one display device for displaying the digital images selected by the at least one software agent (column 1, lines 50-55). Here the images are chosen by a software agent and displayed in the form of HTML pages. The display device would be some form of computer monitor.

With regard to claim 5, Savitzky discloses the system according to claim 4, wherein the at least one software agent is associated with the at least one display device (column 2, lines 63-65). Here the HTML pages are associated with the web page displayed on some type of digital screen or monitor.

With regard to claim 6, Savitzky discloses the system according to claim 4, further including a central processor in communication with the at least one display

device (column 2 lines 60-65). Here it is understood that the central processor will be a computer and the display device will be that computer's monitor.

With regard to claim 7, Savitzky discloses the system according to claim 6, wherein the at least one software agent is associated with the central processor (column 2 lines 60-65). It is inherent that a software agent must be associated with a central processor.

With regard to claim 8, Savitzky discloses the system according to claim 7, wherein the central processor includes a plurality of programmable software agents corresponding to each of the display devices (column 2 lines 60-65). A number of different programmable software agents must be used to make HTML pages available to be seen on several different display devices.

With regard to claim 10, Savitzky discloses the system according to claim 1, wherein the at least one software agent and the at least one image server are in connection via a broadband network (column 4, lines 1-4). Here it is understood that the Internet contains broadband networks. It is inherent that two devices in connection through the Internet would be in connection through a broadband network.

With regard to claim 13, Savitzky discloses the system according to claim 1, wherein the digital images include metadata containing information about the digital images (column 1, lines 47-51). Here metadata is interpreted as "camera ID, date of capture, and the like."

With regard to claim 14, Savitzky discloses the system according to claim 13, wherein the at least one software agent compares programmed criteria with the digital

image metadata (column 1, lines 57-59). Here software searches images by text from titles, captions, and other kinds of metadata.

With regard to claim 15, Savitzky discloses a method for distributing digital images to a user, the method comprising:

transmitting digital images from an image capture device (Fig.1, 116) to at least one image server (column 1, lines 45-50);

receiving and storing the digital images at the at least one image server (512);

and automatically selecting a subset of the digital images for distribution to the user using at least one programmable software agent in communication with the at least one image server (creation of HTML pages, column 1, lines 47-50; column 2 lines 63-65) See also claim 1 above.

With regard to claim 16, Savitzky discloses the method according to claim 15, further including displaying the digital images selected by the at least one software agent (column 2, lines 61-64). Here clients are requesting certain pictures through a network interface, which must have a software agent to select the images to be displayed.

With regard to claim 17, Savitzky discloses the method according to claim 15, further including creating the digital images using the image capture device (column 1, lines 43-45). It is inherent that the image capture device is used to create images.

With regard to claim 18, Savitzky discloses the method according to claim 15, further including monitoring the at least one image server for digital images using the at least one software agent (column 2, lines 51-55).

With regard to claim 19, Savitzky discloses the method according to claim 15, further including pushing digital images from the at least one image server to the at least one software agent (column 2, lines 61-64).

With regard to claim 20, Savitzky discloses the method according to claim 15, wherein automatically selecting the subset of the digital images includes comparing programmed criteria with metadata provided for the digital images (column 1, lines 57-59). Here the images are searched using the software agent to compare text and image features.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savitzky in view of U.S. Patent No. 6,337,712 to Shiota.

With regard to claim 9, Savitzky discloses the system according to claim 4. Savitzsky does not specify the use of the system wherein the at least one display device is connected to a home network. Shiota discloses a device similar to the claimed invention and also allows for a connection with a general household office (Fig. 3, 11). Therefore it would have been obvious to one of ordinary skill in the art at the time of

invention to utilize a connection with a home network for the reason of using the device to transfer and display images from home.

With regard to claim 11, Savitzky discloses the system according to claim 1. Savitzky does not allow for a wireless communication link between the image capture device and the image server. Shiota discloses a device very similar to the claimed invention and also allows for a wireless communication link (Fig.3, 5) between the server (Fig.3, 6) and the image capture device (Fig.3, 1). Shiota teaches that a wireless link is useful because "a user of a digital camera can transfer images, via this system while the user is away from home, thereby enabling continual use of the digital camera." See abstract last three lines. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a wireless communication link to facilitate transfer of digital images while the user is away from home.

With regard to claim 12, Savitzky discloses the system according to claim 1. Savitzky does not allow for communication between the image capture device and image server via a synchronization cradle. Shiota discloses a device very similar to the claimed invention and also allows for a synchronization cradle or docking station (4). The docking station is another way to transfer images from the camera to the server. Using a cradle, image transfer can be done without removing a memory card or storage device from the camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a synchronization cradle or docking station as taught by Shiota in the device of Savitzky to transfer images from camera to server quickly and easily.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to digital image capturing devices and transferring of digital images through various connections to image servers.

U.S. Patent No. 6,405,049 to Herrod et al. discloses a portable data device system including a portable data device and a cradle for receiving the portable data device.

U.S. Patent No. 6,167,469 to Safai et al. discloses a method and apparatus for transporting digital images over a data communications network.

U.S. Patent No. 6,571,246 to Anderson et al. discloses a method and system to integrate a digital image capture device into a business practice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is (703)305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

wjt
September 5, 2003


Jon Chang
Primary Examiner